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60,137-238; 445-3115-U

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Forrest  
Serial No.: 10/809,649  
Filed: 3/25/2004  
Art Unit: 3677  
Examiner: Jackson, Andre L.  
Title: Universal Dimmer Switch Knob With Non-Cylindrical Engagement Surface

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M/S AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

In response to the Examiner's answer mailed 9 January 2007, appellant now submits this concise reply brief.

Arguments with Regard to Claim 1

The examiner argues that the Keeler reference does meet claim 1, and that the preamble of claim 1 is the only place that a dimmer switch limitation is found. Further, the examiner argues points to the *In re Schreiber* Federal Circuit decision.

Claim 1 requires that the intermediate member has an inner bore which will receive a shaft from a dimmer switch. A dimmer switch shaft would have a known outer periphery, and this intermediate member must receive it. Thus, the preamble is tied back into the body of the claim.

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Further, a dimmer switch is a known item in the prior art of switches. It is an electric switch for a light. The examiner's alternative argument that the Keeler reference discloses a "dimmer switch" because it controls a gas flow, and thus the volume of a flame, is simply an unfair reading of the claim.

**Arguments With Regard to Claim 6**

The examiner argues that claim 6 is properly rejected because there is a gap 14 between the two side lobes 16 and 18. However, that reading would result in the area between the two side lobes being less stiff than an apex lobe. That is not what the claim requires. The claims require the side lobes themselves being less stiff. Simply, this claim is improperly rejected.

**Arguments With Regard to Claim 7**

The rejection of claim 7 is also argued by the examiner.

However, nothing within Keeler notes that the angle is distinct. It may well be that the size is simply larger. It is the examiner's burden to prove the claims are properly rejected. The examiner has not done so.

**Arguments With Regard to Claim 10**

The examiner argues again that the two embodiments of Keeler Figures 1 and 5 meet this claim.

However, as mentioned in the main brief, embodiments 1 and 5 are not ever disclosed as a "kit."

The examiner points to a CCPA decision from 1951 in *Kropa v. Robie*. Notably, 1951 is before the enactment of 35 U.S.C. §103. Also, claim 10 does not rely solely on its "preamble," but rather specifically claims "a plurality of intermediate members."

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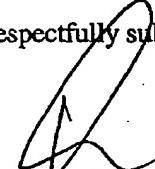
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**CLOSING**

For the reasons set forth above, and for the reasons set forth in the main brief, the rejection of the claims is improper and must be reversed. Such action is solicited.

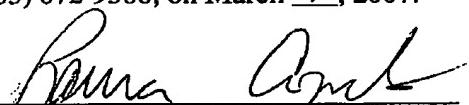
Respectfully submitted,

  
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Dated: March 7, 2007

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on March 7, 2007.

  
Laura Combs